

Falls Church, Virginia 22041

File: D2003-107

Date: JUN 16 2003

In re: JOSE QUINONES, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

On April 14, 2003, this Board issued an order concerning Clara Eudocia Samame, A72-538-666. Ms. Samame was represented by respondent Quiñones at her February 18, 1999, deportation hearing. We determined in our April 14, 2003, order that Mr. Quiñones engaged in "egregious conduct . . . [that] constituted ineffective assistance" in Ms. Samame's case, and remanded Samame's case to an Immigration Judge for further proceedings.

On May 5, 2003, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent. On May 28, 2003, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that any punishment applied to the respondent also apply to practice before the DHS.

The respondent was required to file answer to the allegations contained in the Notice of Intent to Discipline by June 9, 2003. *See* 8 C.F.R. § 1003.105(c)(1).¹ On June 5, 2003, the respondent submitted a letter to the Board which he apparently intends to serve as his answer to the allegations.

The Notice recommends that the Board issue a public censure against the respondent. *See* 8 C.F.R. § 1003.101(a)(3). The respondent, in his letter to the Board, acknowledges that he represented Samame at the February 18, 1999, deportation hearing, and "did display some ineffective assistance...". The respondent argues that he was ill with a stomach ailment on the day of the deportation hearing. The respondent apologizes and states that such actions will not recur.

We find that there are grounds for a public censure of the respondent. *See* 8 C.F.R. § 1003.102(k)(finding by Board that respondent has engaged in conduct that constitutes ineffective assistance of counsel is grounds for discipline). While we acknowledge the respondent's contrition and support his resolve to abstain from further such mistakes, our April 14, 2003, set forth, in detail, how the respondent had engaged in "egregious behavior unbecoming of an attorney" that amounted

¹Regulations relating to the Executive Office for Immigration Review, found in title 8 of the Code of Federal Regulations, were reorganized on February 28, 2003, due to the Homeland Security Act of 2002. *See* 68 FR 9824 (February 28, 2003). There was no substantive changes made to the regulations. *Id.* at 9825. Until February 28, 2003, 8 C.F.R. § 1003.105 was found at 8 C.F.R. § 3.105.

to ineffective assistance of counsel. Therefore the following order will issue. The Board finds that there is no need for a hearing in this matter.

ORDER: Pursuant to 8 C.F.R. §§ 1003.102(k) and 1003.101(a)(3), the respondent is censured for actions taken at the February 18, 1999, deportation hearing of Clara Eudocia Samame, A72-538-666, which this Board determined in a April 14, 2003, order were egregious and amounted to ineffective assistance of counsel. The Board orders the respondent to refrain from such actions in the future, and commends the respondent for acknowledging his error and resolving not to repeat it.



FOR THE BOARD